CHAPTER 250

HARBORS AND TOWN PIER REGULATIONS

TOWN OF NANTUCKET

Adopted April 23, 2014

The following Rules and Regulations are adopted pursuant to Nantucket Town By-Law Chapter 137 Section, as amended.

These Rules and Regulations shall be effective on May 1, 2014 and all previous rules and regulations of the Board of Selectmen hereunder, are repealed as of said date, subject, however, to the foregoing limitations.

250.1 DEFINITIONS

"DIVER", includes swimmers using fins and/or masks and/or snorkel tubes or selfcontained underwater breathing devices and may include those diving without aids, where the circumstances are appropriate.

"COMMERCIAL USE", a vessel engaged in commercial trade or that carries passengers for hire.

"COMMERCIAL FISHING BOAT", a vessel which is used to engage in the industry or occupation devoted to the catching, processing, or selling of fish, shellfish, or other aquatic animals.

"GRAY WATER", in Nantucket waters as defined above, gray water is a vessel's water/soap discharge, which is derived from galley, bath, showers, dishwashing and laundry equipment.

"HARBOR MASTER", officer appointed by the Town to perform the duties of Harbor Master.

"LIVABOARD", a liveaboard is a person who sleeps aboard a vessel and the vessel is considered as a residence for any period of time as determined by the Harbor Master.

"LIVERY", a mooring held by a company which rent or lease boats.

"IMMEDIATE FAMILY", parents, grandparents, children, sister, brother, and spouse.

"MOORING", any space wherein a vessel is confined by wet slip, float, mooring, rack, sling, haul-out, trailer or other type of docking facility.

"NANTUCKET WATERWAYS or WATERWAYS", includes all of the navigable waters within the boundaries of Nantucket County, which shall include all harbors, rivers, bays or ponds, including waterways which, from time to time, may be temporarily non-navigable by reason of low tides, drought or seasonal weather and water conditions.

"WAITING LIST", the official list of names of mooring permit applicants managed by the Town.

"PERSONS", includes an individual, corporations, societies, associations, partnerships, trusts or other business or corporate entity recognized by law as having the standing of a person.

"RECREATIONAL VESSEL", a vessel manufactured or operated primarily for pleasure.

"RESCUE PERSONNEL", state and federal law enforcement officials, Fire Department, Police Department, Marine Department personnel and Nantucket Sheriff's Department members.

"TOWN", Town of Nantucket, Massachusetts.

"TOWN PIER", municipal pier located at 34 Washington Street, to include timber pier and floating dock.

"WATER-DEPENDENT USES", those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: marinas, recreational uses, navigational and commercial fishing and boating facilities, water-based recreational uses, navigation aids, basins, and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site.

250.2 Town Wharf Prohibited Activities

- 250.2.1 Except in an emergency, no boats shall be made fast to any of the Town's wharves, floats or piers without the permission of the Harbor Master.
- 250.2.2 No person shall leave any boat or vessel, fishing equipment, fish or any other personal property upon Town landing places, floats, wharves or pier for longer than is necessary in the act of loading or unloading the same to and from boats or vehicles.
- 250.2.3 The Town shall not be responsible for any loss or damage to boats or vessels at the Town wharves, floats, pier or moorings. Owners will be held responsible for damage caused by them or their vessels to structures and pilings and related facilities owned by the Town.
- 250.2.4 No warp or line shall be passed across the channels or any dock so as to obstruct or interfere with vessels navigating in the area.
- 250.2.5 Except in an emergency, no boats shall fuel at any of the Town's wharves, floats or piers without the permission of the Harbor Master.
- 250.2.6 Tug boats, cargo boats and any other boats used for commercial purposes (other than charter boats and commercial fishing boats) shall not be permitted to moor at the Nantucket Town pier or wharves in Madaket, except by permission of the Board of Selectmen or Harbor Master, as appropriate.

- 250.2.7 All boats or vessels using the Town wharves shall observe all police, fire, health and sanitary regulations of the Town, and the owners or operators of such boats shall not permit acts contrary to good order, public safety or public health, including public profanity or obscene language or indecent exposure.

 Unnecessary noise, loud talking or playing of musical instruments between the hours of 11:00 p.m. and 8:00 a.m. is not permitted. No person upon such boats shall throw garbage, paper, refuse or debris of any kind into the harbor.
- 250.2.8 No vessel or watercraft of any kind whatsoever which is unseaworthy or in badly deteriorated condition or which is likely to injure a person or damage private or public property or which might become a menace to navigation shall be permitted to moor in Town waters or tie up at the Town wharves. The Harbor Master may determine whether any watercraft is unseaworthy, dangerous or in a badly deteriorated condition to render it unsafe. Upon making such a determination, the Harbor Master shall give notice to the owner, in writing, of such determination as follows: (a) if the owner is known, then by mail or hand-delivery; (b) if the owner is unknown, then by publication in a newspaper of general circulation within the Town. If, after 10 days following the publication or written notice as provided in the preceding sentence, the owner has failed to remedy the conditions leading to the determination, the Harbor Master may take appropriate steps for removal of same. At any time, the Harbor Master, notwithstanding the foregoing, may act immediately in the event of an emergency to take appropriate steps for immediate removal of any watercraft that presents an eminent threat to life or property; provided, however, that as soon as practicable after taking such action, notice of the action taken shall be provided in the manner set forth in this section. If, after 30 days from the date of notice or publication, the owner of the removed vessel shall fail to reimburse the Town for removal costs, the vessel may then, at the discretion of the Harbor Master, be sold at public auction to cover the costs of removal. If said auction produces surplus proceeds after payment of the costs of removal, said surplus shall be held in a separate account and be paid over to the owner upon proof of ownership. This shall not be deemed to apply to vessels in immediate distress as a result of current emergencies.
- 250.2.9 Commercial or business use of any vessel or watercraft docked at any Townowned dock, pier or wharf is prohibited, except that Charter or commercial fishing boats or other uses defined as "water dependent" as herein defined and provided that such uses and the vessels employed in such uses are first allocated dock space in accordance with these regulations.
- 250.2.10 No vessel or watercraft of any kind whatsoever which is painted with paints containing butyltin compounds shall be permitted to moor in Town waters or tie up at the Town wharves, whether private or public.
- 250.2.11 All dinghies not in use between October 15 and April 1 on property controlled by the Town shall be removed to the owner's property.
- 250.2.12 There shall be no liveaboards at any Town Pier or Wharf.

250.3 Moorings

250.3.1 Mooring Equipment

- All moorings must be registered and a permit for the mooring must be approved prior to the placement of the mooring. No mooring shall be placed or maintained in any of the waters of the Town without the approval of the Harbor Master.
- The location of all moorings shall be determined from time to time by the Harbor Master. No mooring shall be located in the main stream or any channel of any of the harbors of the Town, unless, in the opinion of the Harbor Master, the particular circumstances require it. Moorings shall be located so that vessels lying on them shall not block any channel or approach to wharves or other moorings in the vicinity or create any other hazard to navigation.
- 250.3.1.3 No boat shall use a mooring within the Town unless the mooring is in good condition and meets the following minimum standards:

Length of Boat	Mushroom Mooring	Concrete Block Mooring
Under 14'	50 lbs.	
15' to 18'	75 lbs.	
19' to 22'	100 lbs.	Subject to individual
23' to 28'	150 lbs.	approval by
29' to 32'	200 lbs.	the Harbor Master
33' to 50'	500 lbs.	
51' to 65'	700 lbs.	
Over 65'	Subject to individual approval by the Harbor Master	

No boat shall use a mooring unless the mooring chain is in good condition and that the length is at least the vertical height above the sea bottom to four feet above mean high water. Maximum length of chain shall be no more than 2.5 times the maximum depth of the water, except where the Harbor Master determines otherwise. All mooring chain shall be of a grade suitable for moorings and meet the following minimum size standards:

Length of Boat	Chain Minimum Size
10' to 23'	3/8"
24' to 32'	1/2"
Over 33'	5/8"

250.3.1.5 No boat shall use a mooring pennant unless it is in good condition and of a type suitable for moorings. The length shall be no longer than eight feet.

Pennant line size shall be:

Length of Boat	Line Minimum Size
Up to 10'	3/8"
11' to 23'	7/16"
24' to 32'	1/2"
Over 33'	5/8"

- 250.3.1.6 Moorings shall be inspected by the Harbor Master, or by a designated representative at least once every three (3) years to determine their compliance with the regulations herein. Proof that the mooring has been inspected is a requirement for a mooring permit to be issued. If a permit is not issued pending an inspection, and a period of thirty (30) days elapses from the date that the permit is requested to be issued, the Harbor Master shall notify the permit holder by certified mail at the address appearing on the permit application that if the permit holder fails to provide proof of inspection within thirty (30) days, the mooring permit will be forfeited.
- 250.3.1.7 The Harbor Master may order the removal of any mooring not in compliance with these regulations. The expense of such removal or relocation shall be the responsibility of the owner.
- 250.3.1.8 The Harbor Master may order the removal or relocation of any mooring whenever, in the judgment of the Harbor Master, the safety of other vessels or the optimum use of the area requires such action. The expense of such removal or relocation shall be the responsibility of the owner. Except when immediate removal is deemed necessary by the Harbor Master, an owner shall have at least fourteen (14) days to relocate or remove a mooring when so ordered by the Harbor Master.
- 250.3.1.9 All private moorings shall be removed from areas designated by the Harbor Master as shell fishing areas prior to October 15. If the mooring is a Helix type, then the mooring must be outfitted with a cap approved by the Harbor Master.
- 250.3.1.10 All small mooring buoys shall be painted white and have a minimum one-inch blue band visible above the water. Buoys shall be marked with numbers assigned by the Harbor Master Department. The numbers and/or letters shall be a minimum of three inches in height and be clearly visible at all times. Mooring buoys shall be of customary shape and materials as determined by the Harbor Master.
- 250.3.1.11 Spar buoys shall be upright at all times and not less than 40° at any period of tide and not less than 18 inches exposed.
- 250.3.1.12 The Harbor Master may order the removal of any buoy deemed to be inappropriate in form, appearance or construction.

250.3.2 Mooring Permits

250.3.2.1 Any vessel habitually moored in Nantucket shall obtain a mooring permit from the Harbor Master.

- 250.3.2.2 All applications for a mooring space in any Nantucket harbor or waterway shall be submitted to the Town on the mooring permit application form. All information requested on the form must be supplied or the application may be rejected.
- 250.3.2.3 The mooring permit decal issued by the Town shall be firmly affixed to boat on the port side of the bow, or in the case of classic-design wooden sail boats, the port side of the mast.
- Only the registered boat, displaying a current and valid mooring permit decal, which is owned by the person to whom the mooring permit was issued, shall fasten to the mooring.
- At the time of application if the applicant does not own a boat or is not a person lawfully entitled to possession and use of a boat for the season for which a mooring is granted, no mooring permit will be issued. If an individual holds a valid mooring permit and sells his/her rights to the boat with the intention of replacing it, he/she will have twelve (12) months to replace the boat. If, at the end of twelve (12) months, the boat has not been replaced, the mooring permit shall be forfeited.
- No permit for a mooring shall be transferable to another person, except to a person within the immediate family of the permit holder upon approval of the Harbor Master.
- 250.3.2.7 The sale, rental or subletting of a mooring by a permit holder is prohibited. However the Harbor Master may permit the time sharing of moorings upon payment of the permit fee in order to maximize the usage of the mooring fields. Time sharing of a mooring shall be limited only to registered mooring handlers for vessels less than 26' in length. Vessels engaged in a time share situation shall comply with marking and reporting requirements as determined by the Harbor Master.
- 250.3.2.8 Permits for the use of mooring spaces shall be for a period of one year, or any fraction thereof, terminating on December 31 of each year, unless earlier revoked by the Harbor Master, and shall be renewable annually for one year.
- 250.3.2.9 Payment for mooring permits shall be made in full before the permit will be issued.
- 250.3.2.10 In areas where no additional mooring spaces are available, applicants shall be placed on a waiting list maintained by the Town.
- 250.3.2.11 The waiting list shall include the names of applicants waiting for moorings in chronological order of application, regardless of the applicant's preference for a particular mooring location. The person at the top of the official waiting list shall have priority to obtain the next available location, but may waive the right to the next available location if it is not in a place convenient for him without losing his place at the top of the waiting list. In the event of a waiver, the next person on the list shall be offered the location, and if that person waives the right to the location, the next successive person shall be offered the location until someone in

succession on the list elects to take the mooring location. Notice to the person entitled to the next available mooring shall be in writing or by any reasonable method.

- 250.3.2.12 It shall be the responsibility of wait list applicants to notify the Town of any address or information change. Notification of mooring availability to wait list applicants shall be only to the information supplied to the Town on the mooring permit application. The Town is under no obligation to seek out wait list applicants who fail to respond to notice of mooring space availability.
- 250.3.2.13 A twenty-five dollar (\$25.00) fee shall be payable at the time of mooring permit application.
- 250.3.2.14 A ten dollar (\$10.00) annual fee shall be paid by those applicants wishing to remain on the official waiting list.
- 250.3.2.15 Dinghies of less than 10' attached to permitted moorings shall be exempt from the permit requirements herein provided that the mooring is properly permitted and there is a primary vessel regularly attached to the mooring which bears a valid mooring permit decal.

250.3.2.16 Mooring Renewal Fees

Length of Boat	Annual Fee
11' to 23'	\$80.00
24' to 32'	\$160.00
33' to 49'	\$250.00
Over 50'	\$350.00
Commercial	\$60.00
Livery/Rental	\$175.00

250.4 Town Pier

250.4.1 Capacity and Slip Assignments

250.4.1.1 The Standing or Fixed Pier has 55 slips which can accommodate recreational vessels up to and including 30 feet in length. Three slips are designated for the Town for the pump-out and patrol boats. The Harbor Master may designate additional spaces for Town purposes as needed.

250.4.2 Slip Assignments Revocable License

250.4.2.1 Slips assignments to vessels will be subject to a revocable license agreement between the Town and the vessel owner. The revocable license agreement shall contain the terms of the agreement for the slip assignment. Failure to comply with the terms of the license agreement shall result in the termination of the license and forfeiture of the slip without refund.

250.4.3 Recreational Vessels

- An annual lottery will be held using the process of vessel registration, documentation or hull identification number being drawn publicly on a preadvertised day. The previous year's slip holders will automatically be put in the lottery by the Town. The slip revocable license agreements will run from May 1st through September 30th of the calendar year for which the lottery was held. The lottery will held in April annually.
- 250.4.3.2 Only vessels with mechanical power are eligible for the slip lottery.

250.4.4 Commercial Use/Commercial Fishing Vessels

250.4.4.1 Commercial Use/Fishing Vessels slips are divided into two categories, 'A' and 'B'. Six (6) slips on the floating dock will be designated for each category for vessels less than 40'. Commercial fishing vessels 40' and greater and transient fishing vessels will moor at the end of the fixed pier and will not participate in the lottery. There is no guarantee of space on the fixed pier for commercial fishing vessels 40' and greater or transient fishing vessels. Accommodation of space for these vessels will be made upon the determination of availability by the Harbor Master.

250.4.4.2 Category A

- 250.4.4.2.1 Six (6) Available spaces: Initial slip space is drawn at lottery. The revocable license will be renewable each year without participation in the lottery as long as the slip holder remains current with payments and is in compliance with all applicable rules, regulations and by-laws or unless otherwise cancelled by the Town of Nantucket or the license holder.
- 250.4.4.2.2 Eligibility: Any person wishing to apply for a Category 'A' Commercial Use slip must provide sufficient information which proves beyond a reasonable doubt that the applicant spends a major portion of their annual work time in water-based commercial industry and that greater than 60% of their annual income is derived from the commercial business. Proof of eligibility may include, but not necessarily be limited to:
 - Coast Guard Licenses and Inspection
 - Federal Tax Identification number and tax returns
 - State and Federal Commercial Fishing Licenses
 - Vessel size and equipment
 - Catch reports or fish sale reports
 - Other information that the Harbor Master may require

250.4.4.3 Category B

- 250.4.4.3.1 Six (6) Available spaces: Category 'B' Vessel is drawn in the lottery annually. The revocable license is for one year.
- 250.4.4.3.2 Eligibility: Any person wishing to apply for a Category 'B' Commercial

Use slip must provide sufficient information which proves beyond a reasonable doubt that the applicant's vessel spends a portion of their annual work time in the water- based commercial industry and that a portion of their annual income is derived from the commercial business. The applicant must provide a fishing license or equivalent and the vessel must be registered or documented as Commercial. Proof of eligibility may include, but not necessarily be limited to:

- Coast Guard Licenses and Inspection
- Federal Tax Identification number and tax returns
- State and Federal Commercial Fishing Licenses
- Vessel size and equipment
- Catch reports or fish sale reports
- Other information that the Harbor Master may require
- 250.4.5 Eligibility for a handicap accessible slip requires the applicant be eligible for a State issued handicap parking sticker.
- 250.4.6 Wait list
 - For Recreational Vessels, a wait list of forty (40) will be drawn at the annual lottery. For Category B Commercial Use vessels, a waitlist of three will be drawn at the annual slip lottery.

250.5 Fees

- 250.5.1 Recreational Vessels: \$80.00 per foot per season.
- 250.5.2 Commercial Use Category A: \$100.00 per foot per season.
- 250.5.3 Commercial Use Category B: \$100.00 per foot per season.
- 250.5.4 50% of payment for Commercial 'A' and 'B' slips shall be received by June 1; the remaining 50% payment is due by August 1.
- 250.5.5 Refunds will not be provided. The prospective slip holder has a period of two (2) weeks after the lottery to accept the slip. Payments for recreational vessel slips must be received in full within two (2) weeks after the applicant was chosen in the lottery. If an applicant declines, the next person will on the wait list will be afforded the opportunity.

250.6 Enforcement

250.6.1 Enforcement

- 250.6.1.1 Harbor Master, Assistant Harbor Masters, Mooring Enforcement Officers and any Police Officer are authorized to enforce these Rules and Regulations.
- 250.6.2 Non-Criminal Violation Citation
 - 250.6.2.1 Officers authorized to enforce these Rules and Regulations may use the Standard Town Non-Criminal Violation Notice for violations.

250.6.3 Severability

250.6.3.1 The provisions of these Rules and Regulations are hereby declared to be severable; and if any provision of the Rules and Regulations is invalid, such invalidity shall not affect or impair any other provision hereof.

250.6.4 Penalties

250.6.4.1 Whoever violates any of the provisions of the Rules and Regulations shall be punished by a fine amount of one hundred dollars (\$100.00) each day of continual violation constituting a separate offense.